

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:21-CV-165-D

JOSEPH ELLIOTT PORTER,

Plaintiff,

v.

AHP SETTLEMENT TRUST,

Defendant.

ORDER

On October 1, 2021, Joseph Elliott Porter, appearing pro se filed a motion to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 1]. On October 4, 2021, the court referred the motion to Magistrate Judge Brian S. Meyers for frivolity review [D.E. 4]. On June 24, 2022, Magistrate Judge Meyers issued a Memorandum and Recommendation (“M&R”), and recommended that the action be transferred to the United States District Court for the Eastern District of Pennsylvania [D.E. 9]. Porter did not object to the M&R.


“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. See Diamond, 416 F.3d at 315. Thus, the court adopts the conclusion

in the M&R that the action should be transferred the United States District Court for the Eastern District of Pennsylvania.

In sum, the court ADOPTS the conclusions in the M&R [D.E. 9]. The action is TRANSFERRED to the United States District Court for the Eastern District of Pennsylvania.

SO ORDERED. This 13 day of July, 2022.



JAMES C. DEVER III
United States District Court